# NOVA SCOTIA CRIMINAL INJURIES COMPENSATION BOARD

## ANNUAL REPORT

## Year Ending December 31, 1987

Although the Board is now required by Section 5(1) of Compensation for Victims of Crime Act, the same being Chapter 8 of the Statutes of Nova Scotia for the year 1975, to report its transactions during the preceding year, the Board is advised that an amendment may be made to this Statute during the forthcoming session of the Legislature to amend the reporting requirements so that it shall henceforth report on the basis of the fiscal year. This is in line with the requirements of the Federal Government. The next report will, in all probability, cover the next fiscal year plus the first three calendar months of the current year of 1988.

**LEGISLATION**

The legislation under which the Board functions is Compensation for Victims of Crime Act, as set forth above. The Act came into force in Nova Scotia on the 12th day of May, 1981. By this Act, the Board is required to provide compensation to the victim, the person responsible for the maintenancce of the victim, or, where the death of the victim has resulted, the victim's dependents, upon application, when, in the Province of Nova Scotia, any person is injured or killed by an act or omission by any other person occurring or resulting from the commission of any of the offences set forth in the Schedule to the Act. While presently limited to Fifteen Thousand Dollars ($15,000.00) compensation for one lump-sum payment to a victim or Five Hundred ($500.00) per month in the case of periodic payments, it is anticipated that legislation to be placed before the legislature in this current year will increase those limits. The Board cannot pay any account for damages which totals

less than Two Hundred Fifty Dollars ($250.00). There is a limitation period of one year which may be waived in certain circumstances. The Board can concern itself only with offences which took place after the date the Act came into force. Having made payments, the Board is subrogated to all the rights of the person to whom payment is made. The Board is required to consider the conduct of the victim if it in any way contributed directly or indirectly to his injury, or if he was uncooperative. "Injury" means bodily harm, mental or nervous shock, pain and suffering.

**PERSONNEL**

The Board is served by David J. C. Waterbury, Q.C., as Chairman; C. Benson Auld, M.D., as Vice-Chairman; and Patrick C. Copeland, C.A. as Board Member. The Board serves under the jurisdiction of the Attorney General and is responsible for the administration of Compensation for Victims of Crime Act. Mr. Keith Hall serves the Board as its Investigator-Program Administrative Officer, and Mrs. Judy Blois serves as secretary and hearing reporter for all hearings of the Board. The office is located at 1660 Hollis Street, Suite 1014, Halifax, Nova Scotia, B3J 2V9.

**COST SHARING**

Awards made under the Act are cost shared between the Government of Canada and the Government of Nova Scotia. Heretofore, the contribution by the Government of Canada has been in the amount of fifty percent (50%) of awards (net of any recoveries) to a maximum of ten cents (10¢) per capita of the population of Nova Scotia.

It is anticipated that Federal enactments will increase this contribution to a maximum of twenty-five cents (25¢) per capita of the population of Nova Scotia. For the fiscal year of 1986-1987, the Government of Canada contributed $89,300.00 towards payment of awards. The administrative costs of the Board are borne entirely by the Province of Nova Scotia.

**PUBLIC AWARENESS**

It continues to be the responsibility of the Board to make the public aware of its existence and authority. Large posters and explanatory brochures have been printed and are displayed in hospitals, police stations and other public institutions. The various police forces throughout the Province have been provided with information and have all been visited either by the Chairman or by Mr. Hall during the calendar year under review. Although hearings of the Board are generally open to the public, there are exception, that is when it is improper for the Board to admit the public where the person whose act or omission allegedly caused injury or death has not been charged with a criminal offence or, if charged, has not been convicted.

**ADMINISTRATION AND ACTIVITY**

It will be observed from a perusal of the statistics which follows that there has been a very marked increase in the number of applications received in the calendar year 1987, that is to say, from 103 to 145 or an increase of 41%. This continued increase is reflected in the first month of 1988. Such a forecast was made in the report for the year 1986. While the number of hearings

was up, the amount of money expended was down considerably. This is attributable to the nature of cases heard which were primarily assaults of a less serious nature than some major matters which were of concern to the Board in 1986.

**SUBROGATION**

By Section 31(2), the Board is subject to all the rights of the person to whom payment is made under the Act to recover damages by civil proceedings in respect to the injury and may maintain an action in the name of such person.

The amounts so acquired have risen from $2,259.38 in 1986 to $5,217.61 in 1987.

**GENERAL**

The Board continues to be presented with cases of serious facial injuries. There is an increased number of injuries to the face as a result of being struck with beer glasses in taverns. These, on occasion, have very serious consequences. There are a number of cases dealing with fractures to the jaw, zygoma, and the nasal area. Four fatal cases were considered, and seven cases arising out of sexual assault. At the closing of the year 1987, a number of sexual assault cases on minors were before the Board for hearing in the early part of 1988.

The Board experienced its first perjury case when an applicant, having made application to the Board supported by considerable evidence resulting in the

Board's making an order, appeared before police and revealed that her application was false. She is being dealt with by the courts on charges of perjury and public mischief.

The Board continues to cut back or refuse compensation to victims who have not cooperated with the police and particularly those who have failed to report themselves as a victim of a criminal activity or to attend criminal trials or Board hearings. The Board also closely examines conduct of the victim, pursuant to Section 25. The Board is not inclined to compensate persons who have been drinking to a considerable extent and may have impaired their faculties thereby rendering themselves as an attractive target for an assault or as being incapable of resisting one.

The Board acknowledges the valued contribution of all court officials, police forces, hospitals, doctors, and legal counsel involved in the presentation of the matters for its consideration. The police forces of the Province have been particularly cooperative in providing reports that are of very great assistance to the Board. Without those reports, much costly investigative procedure would be necessary. Reports requested from hospitals and court officials have been promptly received in all instances. Doctors' reports are particularly essential, and the Board acknowledges with appreciation the fact that skilled physicians frequently provide to the Board detailed reports at very reasonable fees. All counsel appearing before the Board seem well acquainted with their client's affairs and the jurisdiction of the Board.

## CRIMINAL INJURIES COMPENSATION BOARD

### 1 January 87 - 31 December 87

### STATISTICS

| | | 1986 | 1987 |
|---|---|---|---|
| Applications Received | | 103 | 145 |
| Hearings Held | | 116 | 119 |
| Awards Granted | | 89 | 101 |
| Adjourned for Further Evidence | | 6 | 6 |
| Review of Previous Decisions | | 4 | 5 |
| Dismissed--No Award Granted | | 11 | 17 |
| TOTAL - | | 329 | 393 |
| Interim Awards | | 1 | 1 |
| Supplementary Awards | | 6 | 3 |
| Periodic Awards | | 4 | 2 |
| Section 25 Applied | | 25 | 22 |
| Out of 119 Applications Heard | Female | 41 | 31 |
| | Male | 75 | 88 |
| Out of 119 Offenders | Yes | 54 | 57 |
| Had Been Drinking | No | 18 | 5 |
| | Unknown | 44 | 57 |
| Age of Victim | Under 19 | 21 | 19 |
| | 19--40 | 78 | 83 |
| | 40--65 | 8 | 13 |
| | Over 65 | 9 | 4 |
| Theft Related | Yes | 9 | 9 |
| | No | 107 | 110 |
| Offender | Identified | 99 | 109 |
| | Charged | 94 | 104 |
| | Convicted | 84 | 90 |
| Lump Sum Payments | | $313,356.59 | $247,388.56 |
| Periodic Payments | | $ 12,250.00 | $ 6,825.00 |
| Periodic Payments Prior Years | | | $ 30,775.00 |
| TOTAL - | | $325,606.59 | $284,988.56 |
| Average Award | | $ 2,701.35 | $ 2,394.86 |
| Total Costs | | $ 12,280.41 | $ 16,322.55 |
| Recovery | | $ 2,259.38 | $ 5,217.61 |

## SUMMARY OF DECISIONS

**January 1, 1987 to December 1, 1987**

10/84-392 - The applicant applied for a review of the original order due to complications with his teeth, and the Board ordered a further $440 in payment for necessary dental repairs.

02/85-430 - A 33-year-old, divorced female employed as a computer operator was assaulted and received a broken nose, other facial injuries, and mental trauma. Her assailant was charged under Section 246.2(c) of the Criminal Code but was acquitted on that charge and was found guilty of the included offence under Section 245.1(1)(b) of the Criminal Code and sentenced to one days' imprisonment. The Board invoked Section 25 of the Act and reduced the award by 40% due to the contributory actions of the victim in consuming an excessive amount of alcohol. Total award $2,436.00 (pain and suffering $2,400.00)

08/85-496 - An 18-year-old, single student was assaulted and received lacerations from a broken bottle to an arm resulting in a permanent disability. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and fined $100. Total award $10,495.00 (pain and suffering $10,000.00)

04/85-498 - A 35-year-old, divorced female was assaulted by another female in an incident stemming from conduct of their children. The victim received four stab wounds,

three to her body and one to the mouth. Her assailant was charged and convicted under Section 245.2(2) of the Criminal Code and sentenced to probation of two years. The Board invoked Section 25 of the Act due to the contributory actions of the victim and reduced her award by 40%. The decision of the Board was reaffirmed on appeal by the victim. Total award $354.00 (pain and suffering $300.00)

08/85-500 - A 27-year-old, single, unemployed male was assaulted on two occasions by the same individual. He received a broken nose, other facial lacerations, and bruising to the body. His assailant was charged with both offences under Section 245.1(1)(b) of the Criminal Code but was found guilty of the included offence of assault under Section 245(b) and was sentenced to two months' imprisonment. The Board invoked Section 25 of the Act and reduced the award by 60% because of the contributory actions of the victim with respect to the excessive consumption of alcohol. Total award $1,747.89 (pain and suffering $1,600.00)

10/85-509 - A 42-year-old, single, male, hospital orderly was assaulted and received a broken jaw which subsequently necessitated multiple surgical operations. He suffered loss of teeth and a residual disability. His assailant was charged under Section 245.1(1)(b) of the Criminal Code, but there was never any trial on the merits. There was a claim for lost wages. The Board found the applicant to be a victim of a crime under Section 245.1 of the Criminal Code. Total award $15,000.00 (pain and suffering $3,000.00)

04/86-580 - A 29-year-old, single, female, civil servant

received severe lacerations to her face as the result of an assault committed by another person on a third party. The assailant was convicted under Section 245.2(1) of the Criminal Code for the assault on the third party and was sentenced to 90 days' intermittent imprisonment and 2 years' probation. Total award $840.00 (pain and suffering $750)

04/86-585 - A 16-year-old, single, male student was sexually assaulted and received mental and nervous shock. His assailant was charged and convicted under Section 246.2(a) of the Criminal Code and was sentenced to six years' imprisonment. Total award $4,700.00 (pain and suffering $4,500.00)

04/86-590 - A 22-year-old, single, male, forklift operator was assaulted and received facial injuries as well as an injury to his right eye. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to two years' imprisonment. There was a claim for lost wages. Total award $574.48 (pain and suffering $400.00)

5/86-598 - A 21-year-old, single, unemployed female was sexually assaulted by her father on a regular basis over a period of time and suffered from mental and nervous shock. The assailant was charged and convicted under Section 246.1 of the Criminal Code and was sentenced to three years' imprisonment. Total award $5,000.00 (pain and suffering $5,000.00)

05-86-603 - A 20-year-old, single, male student was assaulted and received facial injuries including broken teeth. His assailant was charged under Section 245.1(1)(b)

of the Criminal Code but was subsequently acquitted as the victim had left the country. Total award $3,166.37 (pain and suffering $350.00)

06/86-606 - An application to review under Section 22 of the Act was made due to additional dental repairs required, and the Board approved partial payment of the request in the amount of $580.00.

6/86-608 - A 28-year-old, single, female student and part-time waitress was assaulted and received severe swelling and bruising to her nose and other facial trauma. Her assailant was charged and convicted under Section 245.1(1) of the Criminal Code but had not been sentenced at the time of the hearing. There was a claim for lost wages. Total award $2,480.00 (pain and suffering $600.00)

07-86-614 - A 30-year-old, divorced, unemployed male was assaulted, was struck in the mouth, was kicked in the groin, and received a broken nose and broken dentures. His assailant was charged and eventually convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to four months' imprisonment. Total award $1,703.60 (pain and suffering $1,500.00)

07/86-615 - A 19-year-old, single, female, university student working part-time as a cashier was sexually assaulted and received mental and nervous shock. Her assailant was charged and convicted under Section 246.1(1)(a) of the Criminal Code and was sentenced to three years' imprisonment. There was a claim for lost wages. Total award $4,175.00 (pain and suffering $3,500.00)

11/86-618 - A 23-year-old, divorced and unemployed male was assaulted by the estranged husband of the woman with whom the victim was keeping company. He received a broken nose and lacerations to the face. The assailant was charged under Section 245.1(1)(b) of the Criminal Code but was convicted under Section 245(a) of the Criminal Code, was fined $500, and was given one year of probation. Total award $2,500.00 (pain and suffering $2,500.00)

07/86-619 - A 26-year-old, single male employed as a wood cutter was assaulted with a broken glass and received severe lacerations to his neck with residual scarring. His assailant was charged under Section 245.2 of the Criminal Code but was convicted of the included offence under Section 245.3 of the Criminal Code and was sentenced to nine months' imprisonment and two years' probation. There was a claim for lost wages. Total award $1,385.00 (pain and suffering $700.00)

09/86-623 - A 30-year-old, divorced, male businessman was assaulted and received facial injuries including loss of vision and an undisplaced fracture of a nasal bone. His assailants were not identified. Total award $1,715.00 (pain and suffering $1,600.00)

9/86-624 - A 29-year-old, married, female masseuse was murdered, and her assailant was never identified. There was a claim for lost income and funeral expenses on behalf of the surviving husband and four children. The Board invoked Section 25 of the Act and reduced the award by 40% because of the contributory actions of the victim. Funeral expenses $1,923.90 and periodic payments of $325 per month from the date of death.

09/86-625 - A 63-year-old, widowed female was assaulted, knocked to the ground, and received a broken arm. Her purse was also stolen. She has residual stiffness of the arm. Her young assailant was charged and convicted under Section 245.3 of the Criminal Code and was sentenced to two months' secure imprisonment. Total award $2,755.00 (pain and suffering $2,500.00)

9/86-626 - A 25-year-old, single male employed in sales was assaulted after he had interferred in a fight between two other persons because of his concern for one of the protagonists. He was knocked to the ground and kicked and suffered a back injury as well as broken nasal bones which has left a slight scar. His assailants were never identified. Total award $1,330.00 (pain and suffering $1,200.00)

09/86-628 - On application to review under Section 22, the Board awarded a further sum of $100 for necessary dental treatment.

09/86-630 - A nine-year-old male was struck by a bee bee pellet fired from a gun held by another child and lost the sight of his left eye. The child assailant was not charged under Section 84(2) of the Criminal Code and neither was the home owner; nevertheless, the Board held the child to be a victim. Total award $15,000.00 (pain and suffering $15,000.00)

10-86-635 - The father of a 19-year-old, single male who was killed as the result of the crime of murder, contrary to Section 218(1) of the Criminal Code, applied for the payment of expenses relating to burial and

for pain and suffering. An award of $1,400.00 was made in relation to payment of expenses, but no award for pain and suffering was made as the father was not present at the place and time of the murder. On appeal, the decision of the Board was upheld. Total award $1,400.00

11/86-637 - A 15-year-old, female, high school student was sexually assaulted and suffered bruises and abrasions over much of her body and mental shock. Her assailant committed suicide the same day. The Board held the applicant to be a victim of a crime under Section 246.1 of the Criminal Code. Total award $4,500.00 (pain and suffering $4,500.00)

11/86-638 - A 23-year-old, single male employed as an electrician was assaulted while at a party in a residence and suffered lacerations to his head and face from a broken bottle. He had residual scarring. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to a term of 90 days' intermittent imprisonment and two years' probation. The Board invoked Section 25 of the Act because of the contributory actions of the victim through his excessive consumption of alcohol and aggressive behaviour and reduced the award by 10%. Total award $292.50 (pain and suffering $270.00)

11/86-640 - A 21-year-old, single, unemployed male was assaulted and received multiple fractures of the zygoma and right orbit, nessitating surgical intervention with a permanent supporting device to the jaw. His assailant was never identified, but the Board found the applicant to be a victim of a crime under Section

245.1(1)(b) of the Criminal Code. Total award - $2,150.00 (pain and suffering $1,800.00)

11/86-641 - A five-year-old female was sexually assaulted by her father and suffered severe emotional trauma. Although the assailant was not charged under Section 246.1 of the Criminal Code; however, in a divorce action, the family court found that the child had been the victim of sexual abuse and that the father's name remain on the child abuse register. Total award $3,000.00 (pain and suffering $3,000.00)

11/86-642 - A 24-year-old, single female employed as a social worker was sexually assaulted by a casual acquaintance while both were under the influence of alcohol and received bruising to her breasts and groin area and suffered severe mental trauma when she later developed a venereal disease. The victim did not promptly report the matter to the police, and the assailant was never charged although his identity was known. Nevertheless, the Board found the applicant to be the victim of a crime under Section 246.1 of the Criminal Code but invoked the provisions of Section 25 of the Act in respect to the excessive use of alcohol by the victim and her failure to promptly report the matter to the appropriate police department and hence the medical authorities. Total award $6,187.78 (pain and suffering $6,000.00)

11/86-643 - A single, male, unemployed machinist was assaulted by unknown assailants and received a large laceration to his face with residual scarring and dental injuries. Total award $2,289.00 (pain and suffering $300.00)

11/86-644 - A 22-year-old, single male employed as a service station attendant was assaulted and received an undisplaced fracture of the nose and other facial lacerations. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and fined $100.00. There was a claim for lost wages. Total award $995.50 (pain and suffering $700.00)

11/86-645 - A 22-year-old, single male employed as a roofer was assaulted and received a broken nose and a black eye. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was placed on probation for two years. There was a claim for lost wages. Total award $1,960.00 (pain and suffering $1,200.00)

11/86-646 - A 38-year-old, married, male, self-employed businessman was assaulted while attending a social function with his wife and received bruises and abrasions about the head and body. His assailant was charged and convicted under Section 245(b) of the Criminal Code and fined $1. There was a claim for lost wages which was not granted by the Board. Total award $300.00 (pain and suffering $300.00)

11/86-647 - A 37-year-old, single, unemployed male was assaulted and struck with a crutch and received a concussion and broken eye glasses. His assailants were never identified. The Board found him to be the victim of a crime under Section 245.1(1)(b) of the Criminal Code. Total award $375.00 (pain and suffering $200.00)

11/86-648 - A 25-year-old, single female employed as a clerk was assaulted on her way home from work, knocked off her feet, and her purse was stolen. She received facial bruising and mental shock. Her assailants were never identified. The Board found the applicant to be the victim of a crime under Section 303 of the Criminal Code. Total award $300.00 (pain and suffering $300.00)

11/86-649 - A 21-year-old, single, male student was assaulted by a hockey player while a spectator at a hockey game and received damage to his teeth and facial lacerations with residual scarring. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and fined $400.00. There was a claim for lost wages. Total award $3,932.00 (pain and suffering $1,200.00)

12/86-650 - A 13-year-old, single female was sexually assaulted by her father and suffered severe emotional trauma. Her father was charged and convicted under Section 150(1) of the Criminal Code but committed suicide before sentence was imposed. The Board found the applicant to be the victim of a crime under Section 146(1)(b) of the Criminal Code but has withheld making any award while she remains in the custody of a government agency and continues to receive treatment. The matter will be reviewed in six months.

12/86-651 - A 28-year-old, single, self-employed female was assaulted by a male friend following a party. She received a fractured nose, facial lacerations, and haematoma to her arms. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and fined $300. There was a claim for lost wages.

Total award $1,399.00 (pain and suffering $1,000.00)

12/86-653 - A 22-year-old, single, female university student claimed to have been assaulted and received bruises and abrasions to her face and legs and suffered emotional trauma. Her assailant was never identified. The Board found the applicant to be the victim of a crime under Section 245.1(1)(b) of the Criminal Code. Total award $2,705.94 (pain and suffering $2,500.00) However, before payment was made, the victim confessed that the application and evidence given was false and appropriate charges have been laid against her.

12/86-654 - A 31-year-old, married, poultry plant worker was assaulted and received multiple fractures to the zygoma, maxilla, and orbit as well as broken dentures. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code, was fined $100, and received one day's imprisonment. There was a claim for lost wages. Total award $8,230.00 (pain and suffering $4,000.00)

12/86-655 - A 27-year-old, single, unemployed male was assaulted and cut with a knife on the face which has left him with a residual scar. The assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code but absconded before sentencing. Total award $3,665.00 (pain and suffering $3,500.00)

12/86-656 - A 24-year-old, single, male stock clerk was assaulted with a baseball bat and received head and back injuries. His assailant was charged under Section 245.1(1)(b) of the Criminal Code but absconded and has not been brought to trial. The Board found

the applicant to be a victim of an assault as stated. There was a claim for lost wages. Total award $2,750.00 (pain and suffering $2,000.00)

01/87-657 - A 35-year-old, married, male, wood cutter was assaulted and received severe facial injuries including complex facial fractures. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and sentenced to 60 days' intermittent imprisonment. There was a claim for lost wages. The Board invoked Section 25 of the Act in respect to the excessive consumption of alcohol on the part of the victim and reduced the award by 50%. Total award $1,693.50 (pain and suffering $1,400.00)

01/87-658 - An 18-year-old, single, unemployed male was assaulted by three people and received a concussion. One of his assailants was charged and convicted under Section 245(a) of the Criminal Code while the other two have trials pending. Total award $250.00 (pain and suffering $200.00)

01/87-659 - A 51-year-old male employed as a police officer was assaulted by a person under arrest and received a broken nose. The assailant was charged and convicted under Section 246(2)(a) of the Criminal Code and was sentenced to three months' imprisonment. There was a claim for lost wages. Total award $1,388.86 (pain and suffering $1,000.00)

01/87-660 - A 23-year-old, single, male, university student was assaulted while acting as a bouncer at a licensed premises and received a severe cut to his face and neck when struck by a broken bottle. His

assailant was charged and convicted under Section 245.1(1)(a) of the Criminal Code and was sentenced to 18 months' imprisonment and one years' probation. There was a claim for lost wages. Total award $3,000.00 (pain and suffering $1,500.00)

01/87-661 - A 27-year-old, single, female employed as a housekeeper was assaulted and received facial injuries. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was fined $500. There was a claim for lost wages. Total award $594.00 (pain and suffering $300.00)

01/87-662 - A 28-year-old, single,unemployed female, a companion of the subject of File No. 11/87-661, was also assaulted by the same assailant and received facial injuries. The assailant was charged and convicted under Section 245(a) of the Criminal Code and was fined $200. Total award $290.00 (pain and suffering $200.00)

1/87-665 - A 19-year-old, single, male student and part-time sales clerk was assaulted and received facial bruising, lacerations, and broken teeth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was fined $300. There was a claim for lost wages. Total award $1,299.20 (pain and suffering $1,000.00)

01/87-666 - An 18-year-old, single, male, high school student was assaulted and received a double fracture of the mandible which required fixation of his jaws for a period of six weeks. There was also loss of a tooth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was fined

$200. The Board invoked Section 25 of the Act and reduced the award by 60% due to the illegal consumption of alcohol by the victim and his aggressive behaviour toward his assailant's wife which directly resulted in his injury. Total award $1,358.00 (pain and suffering $800.00)

01/87-667 - A 30-year-old, married, male policeman was assaulted while affecting the arrest of an offender of the law and received a fracture of the nose which subsequently required a complicated surgical procedure to repair. His assailant was charged and convicted under Section 246(2)(a) of the Criminal Code and was sentenced to three years' imprisonment which was reduced to two years on appeal. There was a claim for lost wages. Total award $1,585.79 (pain and suffering $1,000.00)

01/87-668 - A 17-year-old, single, male student became involved in a verbal argument and was subsequently stabbed with a knife in the stomach resulting in a stab wound to the abdominal wall. The assailant was charged and convicted under Section 245.2(2) of the Criminal Code and was sentenced to two years' imprisonment. The Board invoked Section 25 of the Act and reduced the award by 15% due to the contributory actions of the victim. Total award $3,084.65 (pain and suffering $2,125.00)

01/87-669 - A 26-year-old, married, female, bus driver was assaulted by a passenger while in the performance of her work and received a broken denture, injuries to her face, and broken teeth. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code, was placed on probation for one year, and was

fined $600. Although there was no claim for lost wages, there was a claim for the monetary value of six days used to maintain full salary during the absence from work. This was not allowed by the Board. Total award $2,750.00 (pain and suffering $2,750.00)

02/87-671 - A 17-year-old, single, male student was assaulted and received facial injuries as well as a broken finger. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to four months' imprisonment. Dental injuries sustained by the victim were paid for by M.S.I. Total award $500.00 (pain and suffering $500.00)

2/87-672 - A 15-year-old, male, high school student was assaulted and received lacerations to his head and a black eye. His assailants were never identified. Total award $325.00 (pain and suffering $200.00)

02/87-673 - A 21-year-old, single, male student was assaulted and received a fracture of the zygoma which subsequently required a fixation with a wiring device. There was a claim for lost wages. His assailant was never identified, but the Board determined the applicant to be a victim of a crime under Section 245.1(1)(b) of the Criminal Code. Total award $2,550.00 (pain and suffering $1,750.00)

02/87-674 - A 26-year-old, single male employed as a probationary counsellor at a half-way house was assaulted by one of the residents and received head injuries and damage to his teeth. The assailant was charged under Section 245.1(1)(b) of the Criminal Code but absconded before he could be brought to trial. There

was a claim for lost wages. The employer dismissed the applicant from his job and awarded him $1,000, and the dismissal is the subject of a civil action. Total award $1,000.00 (pain and suffering $1,000.00)

02-87-676 - A 43-year-old, married, fish plant worker was assaulted and received facial lacerations and broken teeth. His assailant was charged and convicted under Section 245.3 of the Criminal Code and was fined $200. There was a claim for lost wages. The Board invoked Section 25 of the Act because of the contributory actions of the victim and the consumption of alcohol and reduced the award by 40%. Total award $636.12 (pain and suffering $360.00)

02/87-678 - A 41-year-old, married male employed as as a part-time police officer was assaulted while affecting the lawful arrest of an offender of the law and received a severe blow to his right side. His assailant was charged and convicted under Section 246(2)(a) of the Criminal Code and fined $1,006.50. There was a claim for lost wages. Total award $720.00 (pain and suffering $400.00)

02/87-679 - A 41-year-old, married male employed as a part-time police constable was assaulted while affecting the lawful arrest of an offender of the law and received a serious cut to his left eye. His assailant was charged and convicted under Section 246(1)(a) of the Criminal Code and was sentenced to 60 days' intermittent imprisonment. There was a claim for lost wages. Total award $365.00 (pain and suffering $150.00)

02/87-680 - A 21-year-old, single, unemployed male

was assaulted and received a severe beating to the face and loss of teeth. Three assailants were charged and convicted under Section 245 of the Criminal Code, were fined $703, and were given six months' imprisonment and three weeks' imprisonment respectively. There was a claim for lost wages due to anticipated employment which could not be undertaken due to the injury. Total award $2,500.00 (pain and suffering $600.00)

02/87-681 - A 37-year-old, single, male chef was assaulted and received multiple lacerations and contusions to his face and body and also received a broken finger. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code, was fined $1,000, and given two years' probation. There was a claim for lost wages. Total award $1,446.00 (pain and suffering $900.00)

2/87-683 - A 26-year-old, married, male tavern waiter was assaulted by a patron and received a broken nose which subsequently required two operations. There was a claim for lost wages. The assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to 90 days' intermittent imprisonment and probation for two years. Total award $2,525.00 (pain and suffering $2,200.00)

03/87-684 - A 35-year-old, married, male taxi driver was assaulted by a fare and received a severe laceration to his face resulting in residual scarring. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to 30 days' imprisonment. Total award $1,100.00 (pain and suffering $1,000.00)

3/87-686 - An 18-year-old, male, high school student was assaulted by a fellow party participant and suffered facial injuries and permanent loss of central vision in the left eye. The assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and received one years' probation. The Board invoked Section 25 of the Act because of the contributory actions of the victim in the unlawful and excessive use of alcohol and reduced the award by 25%. Total award $4,951.25 (pain and suffering $4,875.00)

03/87-687 - A 24-year-old, single, female store clerk was assaulted and received a broken nose. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was fined $1,500. There was a claim for lost wages. Total award $685.00 (pain and suffering $500.00)

03/87-688 - A 26-year-old, single, unemployed female was assaulted and stabbed with a knife resulting in a pneumothorax with residual scarring to the chest and severe mental trauma. Her assailant was charged under Section 222 and Section 85 of the Criminal Code but died before being brought to trial. Total award $5,110.00 (pain and suffering $5,000.00)

3/87-689 - A 17-year-old, male, high school student was assaulted and received a fractured zygoma necessitating reconstructive surgery. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was placed on probation for two years with suspended sentence. Total award $1,020.00 (pain and suffering $1,000.00)

3/87-691 - A 27-year-old, married, male fire fighter was assaulted in a beverage room and received lacerations to his face and residual scarring. The assailant was charged and convicted under Section 245.2(1) of the Criminal Code, and was sentenced to 90 days' imprisonment and two years' probation with community service. There was a claim for the reimbursement of vacation time used due to absence from work, but this was disallowed by the Board. Total award $870.00 (pain and suffering $800.00)

3/87-692 - A 36-year-old, single, unemployed male was assaulted and received lacerations to his face and mouth. His assailants were never identified. Total award $300.00 (pain and suffering $300.00)

3/87-694 - A 26-year-old, unemployed, married male was assaulted and received a broken jaw which required the insertion of a steel plate. His three assailants were charged and convicted under Section 245.1(1)(b) of the Criminal Code, and two of them received 60 days' imprisonment while a third one received 30 days' intermittent imprisonment, and all received 12' months probation. Total award $1,500.00 (pain and suffering $1,500.00)

3/87-695 - A 47-year-old, divorced male, unemployed but acting as a rent collector for his landlord, was assaulted by a former tenant and received a broken right leg requiring the insertion of a steel plate and a bone graft. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was placed on probation for three years with suspended sentence. Total award $5,020.00 (pain and suffering $5,000.00)

3/87-699 - A 26-year old, single, unemployed female was assaulted by an acquaintance and received lacerations to her face and broken teeth. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was placed on probation for three years with suspended sentence. Total award $1,586.00 (pain and suffering $600.00)

3/87-700 - A 29-year-old, divorced, female prostitute was assaulted and suffered multiple stab wounds which threatened her life and has resulted in impairment of her vocal cords. There was a claim for lost income. Her assailant was charged under Section 222 of the Criminal Code and was found not guilty by reason of insanity. The Board denied compensation for lost wages because of lack of proof and also reduced the award by 50% due to the contributory actions of the victim in the excessive consumption of alcohol. Total award $6,050.00 (pain and suffering $6,000.00)

03/87-701 - An 83-year-old, retired male was accosted in his home and was robbed. He suffered severe shock and anxiety. The assailant was charged and convicted under Section 303 of the Criminal Code and was sentenced to two years' imprisonment. Total award $880.00 (pain and suffering $800.00)

3/87-703 - A 29-year-old, unemployed female was assaulted by her boyfriend and received bruises and contusions to her face and hands and suffered severe emotional trauma. Her assailant was charged under Section 245.1(1)(b) of the Criminal Code but was subsequently dismissed for lack of prosecution. The victim was forced to withdraw from university. Total award $1,500.00 (pain and suffering $1,500.00)

3/87-704 - A 33-year-old, married female was assaulted by unknown assailants who had entered the family home and committed robbery. She suffered mental and nervous shock. The assailants were never identified, but the Board found the applicant to be a victim of a crime under Section 302 of the Criminal Code. Total award $838.33 (pain and suffering $800.00)

3/87-705 - A 74-year-old, single, retired male was assaulted and robbed in his home and received a bilateral fracture of the zygoma. His assailant was charged and convicted under Section 303 of the Criminal Code and was sentenced to two years' imprisonment. There was a claim for board and lodging during the recovery period which was accepted by the Board. Total award $4,465.00 (pain and suffering $1,500.00)

4/87-706 - A 24-year-old, single, male, certified nursing assistant was assaulted and received a displaced fracture of the distal fourth metacarpal of the right hand. His assailant was charged and convicted under Section 245(b) of the Criminal Code and was fined $106.50. There was a claim for lost wages. Total award $2,200.00 (pain and suffering $500.00)

4/87-710 - A 24-year-old, married, male university student was assaulted by a fellow student and received lacerations to the lower lip and fractured teeth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and received six months' probation with suspended sentence. The Board invoked Section 25 of the Act and reduced the award by one-third due to the contributory actions of the victim and the excessive consumption of alcohol. Total award $1,197.19 (pain and suffering $666.67)

4/87-712 - A 29-year-old, single, unemployed female was assaulted by her male companion and received multiple facial injuries, a compound fracture of the nasal bones, and loose teeth. Her assailant was charged and convicted under Section 245 of the Criminal Code, was fined $510, and was ordered to make restitution of $250. Total award - $2,005.00 (pain and suffering $1,300.00)

5/87-713 - A 25-year-old, single, male, business manager was assaulted and received a broken jaw and a broken tooth. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to six months' imprisonment. There was a claim for lost wages. Total award $6,600.00 (pain and suffering $1,700.00)

5/87-714 - A 24-year-old, married, male police officer was injured while affecting the lawful arrest of an offender of the law and suffered an avulsion of the extensor tendon to the fifth finger of his right hand. His assailant was subsequently charged and convicted under Section 246 of the Criminal Code and was sentenced to three months' open custody. Total award $1,500.00 (pain and suffering $1,500.00)

5/87-716 - A 21-year-old, university student and part time worker was assaulted and received a multiple fracture of the mandible. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was given a conditional discharge upon completion of six months' probation. There was a claim for lost wages. The Board invoked Section 25 of the Act and reduced the award by 60%. Total award $917.20 (pain and suffering $800.00)

5/87-717 - A 39-year-old, unemployed female was assaulted and received a broken nose and other facial injuries. Her assailant was charged and convicted under Section 245 of the Criminal Code and was placed on probation. The applicant herself was also charged under Section 245 of the Criminal Code for an assault against the assailant but was acquitted. The Board invoked Section 25 of the Act and ordered reduction of the award by one-third. Total award $723.34 (pain and suffering $666.67)

5/87-719 - A 65-year-old, single, male, taxi driver was assaulted by a fare and received head injuries and temporary vision impairment. There was a claim for lost income. Total award $2,139.00 (pain and suffering $800.00)

5/87-720 - A 24-year-old, married, unemployed male was assaulted and suffered multiple facial and body contusions and abrasions and received a fractured nose. His three assailants were charged and convicted under Section 245.1(1)(b) of the Criminal Code and were sentenced to 2 years' imprisonment, 18 months' imprisonment, and 6 months' imprisonment respectively. There was a claim for lost wages which the Board did not allow as the applicant was receiving unemployment insurance benefits at the time. Total award $895.00 (pain and suffering $825.00)

5/87-724 - A 19-year-old, single, male, high school student was assaulted and received a double fracture of the mandible. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to two years' imprisonment. Total award $2,360.00 (pain and suffering $2,250.00)

5/87-725 - A 37-year-old, divorced, unemployed female was assaulted and suffered neck pain, dizziness, and headaches. Her assailant was charged and convicted under Section 306.1(b) of the Criminal Code and was sentenced to two years' imprisonment. Total award $440.00 (pain and suffering $400.00)

5/87-728 - A 60-year-old, single, male pensioner was assaulted in his boarding room and received head injuries and fractured ribs which subsequently developed a pneumothorax. The victim did not fully cooperate with the police in their investigation, and no one has been charged. The Board found the applicant to be the victim of a crime of robbery, contrary to Section 303 of the Criminal Code but reduced the award by 25% due to the failure of the victim to cooperate with police. Total award $600.00 (pain and suffering $600.00)

6/87-730 - A 21-year-old, single, male student and part-time laborer was assaulted by a fellow tavern patron and received a severe laceration to his face from broken glass from which there was a residual scar. There was a claim for lost wages. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and received two years' probation and suspended sentence. The Board invoked Section 25 of the Act and reduced the award by 40% due to the contributory actions of the victim in the excessive consumption of alcohol and participation in an argument. Total award $1,320.00 (pain and suffering $1,080.00)

6/87-731 - A 14-year-old, single, male student was sexually assaulted by an older male acquaintance which resulted in severe emotional trauma. The assailant

was charged with several counts under Section 246.1(1)(a) of the Criminal Code and received one year imprisonment. Total award $5,000.00 (pain and suffering $5,000.00)

6/87-736 - A 74-year-old, single, unemployed, retired male was killed. His assailant was charged and convicted under Section 218(1) of the Criminal Code and was sentenced to life imprisonment. The Board ordered payment of burial expenses in the amount of $3,200.00.

7/87-740 - A 22-year-old, single, male student and part-time waiter was assaulted and received a broken jaw. His assailant was charged and convicted under Section 245 of the Criminal Code and was fined $500 and placed on probation for six months. There was a claim for lost wages. The Board applied Section 25 of the Act and reduced the award by 40% due to the contributory actions of the victim. Total award $1,770.00 (pain and suffering $1,200.00)

7/87-742 - An 84-year-old, single male was a victim of the crime of robbery at his home and received broken ribs and suffered mental and nervous shock. His assailant was charged and convicted under Section 303 of the Criminal Code and was sentenced to two years' imprisonment. Total award $1,100.00 (pain and suffering $1,100.00)

7/87-743 - A 32-year-old, unemployed female, now divorced, was assaulted by her former husband and received facial injuries including a fractured zygoma. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code, was fined $600, and received one day's imprisonment. Total award $2,825.00 (pain and suffering $2,500.00)

7/87-744 - A 21-year-old, married, unemployed female and mother of three children was sexually assaulted

by her estrangled husband in the presence of their three children and received bruises about the head and face and broken teeth. She also suffered mental and nervous shock. The assailant was charged and convicted under Section 246(2)(c) of the Criminal Code and was sentenced to 42 months' imprisonment. Total award $8,910.00 (pain and suffering $7,500.00)

8/87-748 - A 21-year-old, single male was assaulted and received facial lacerations and severe dental damage. His assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was placed on probation for 18 months with conditions to make compensation to the victim in the amount of $2,400 for dental damage. There was a claim for lost wages. Total award $2,762.00 (pain and suffering $1,000.00)

8/87-749 - A 23-year-old, single, male waiter was assaulted after work and received facial bruises, lacerations, and broken teeth. His assailant was never identified; however, the Board found the applicant to be the victim of a crime under Section 245.1(1)(b) of the Criminal Code. There was a claim for lost wages. Total award $500.00 (pain and suffering $270.00)

8/87-751 - A 23-year-old, single, vacuum cleaner, sales manager was assaulted by an acquaintance and suffered periorbital haematoma with subconjunctive haemorrage of the eye. His assailant was charged and convicted under Section 245(b) of the Criminal Code and was fined $250. There was a claim for lost wages. Total award $1,000.00 (pain and suffering $500.00)

8/87-756 - A 22-year-old, single, male painter was stabbed in the abdomen and suffered complications.

His assailant was charged and convicted under Section 245.2(2) of the Criminal Code and was sentenced to two years' imprisonment. There was a claim for lost wages. Total award $10,375.00 (pain and suffering $6,000.00)

## SUMMARY OF DISMISSED APPLICATIONS

1/85-428 - On a review under Section 22 of the original award and upon the Board considering further medical evidence, the Board saw fit not to vary the original decision.

1/86-558 - A 10-year-old, single male was sexually assaulted by an older male neighbor and suffered psychological trauma. His assailant was charged and convicted under Section 246.1 of the Criminal Code and was sentenced to three years' imprisonment. Prior to the conclusion of the hearing and at the request of the victim's mother, the application was dismissed.

03/86-573 - A 56-year-old, single male was allegedly assaulted and received facial injuries and broken dentures. Because of the financial need of the victim, the Board ordered payment of $419 for dentures and necessary travel by interim order. The assailant was subsequently acquitted on a charge under Section 245.1(1) of the Criminal Code, and the application was, therefore, dismissed.

06/86-607 - A 34-year-old, single male received facial injuries with residual scarring. His assailant was charged but acquitted on a charge under Section 245.1(1)(b) of the Criminal Code, and the victim failed to appear at trial. There was no evidence before the Board of the commission of a crime, and the Board invoked Section 25 of the Act in so far as excessive consumption of alcohol is concerned and the lack of cooperation of the victim, and no award was made.

07/86-617 - A 38-year-old, single, male, stationary engineer was assaulted and robbed in a rooming house and received facial injuries and some loss of vision. The application was dismissed as there was insufficient evidence to show that the injuries were received as the result of the commission of a crime. However, due to the contributory actions of the victim, Section 25 would have been invoked to deny any compensation.

7/86-620 - A 28-year-old, married, contract, courier broker was assaulted and received an orbital blow-out fracture of the left eye. His assailant was charged under Section 245.1(1)(b) of the Criminal Code and was acquitted as he was acting within his authority in evicting the applicant from a premises where the applicant had become unruly. The Board, therefore, denied any award.

11/86-629 - The widow of a 30-year-old, truck driver applied for compensation on behalf of herself and three infant children due to the death of her husband who was shot by a third party and who was charged under Section 203 of the Criminal Code. The assailant was acquitted of the charge under Section 203 as well as the included offence of Section 84(2) of the Criminal Code. The Board held that it did not have jurisdiction to award any compensation because of the findings of the criminal court. This decision is presently under appeal.

10/86-634 - A 31-year-old, single male employed as a railway service attendant received a fractured zygomatic arch in an altercation with an unknown assailant which he claimed was unprovoked. There was insufficient

evidence presented to the Board that the applicant had been the victim of a crime, and no award was made.

10/86-636 - A 27-year-old, single, male projectionist was allegedly assaulted by another male and received a broken leg. The applicant did not report the matter as a crime to either the medical authorities nor the police department for some five weeks. In the meantime, the alleged assailant had left the Province, and criminal charges were never instituted. There was also a claim for lost wages. The Board invoked Section 25 of the Act and disallowed the application due to the non cooperation of the applicant.

1/87-663 - A 40-year-old, divorced fisherman and part-time truck driver was assaulted by his common-law wife and received lacerations to his face and a subsequent heart attack. His assailant was subsequently charged under Section 25.1(1)(b) of the Criminal Code but acquitted. It was later determined that the applicant's heart attack did not stem from the injury, and the application was dismissed.

01/87-664 - A 25-year-old, single, unemployed male was stabbed in the face with a broken bottle and suffered laceration with residual scarring and impairment of vision. His assailant, from whom he was attempting to purchase liquor at the time, was charged and convicted under Section 245(2) of the Criminal Code, and was sentenced to six months' imprisonment. There was a claim for lost wages. The Board invoked Section 25 of the Act and denied an award due to the intoxicated condition of the applicant, his extensive criminal record involving crimes of violence, and his being

engaged in an illegal transaction at the time of the injury.

3/87-690 - A 23-year-old, male, security guard was assaulted by a suspected thief and allegedly received a scaphoid fracture of the hand. The assailant was charged and convicted under Section 245(a) of the Criminal Code and was sentenced to one month imprisonment. There was a claim for lost wages. On the basis of medical evidence provided to it, the Board found that the alleged injury was sustained on a previous occasion and, therefore, disallowed the claim.

3/87-693 - A 42-year-old, divorced, unemployed female was assaulted by her former common-law husband and received a back injury. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and fined $250. It was determined that the applicant had since returned to her assailant and that she had not fully cooperated with the Board in respect to her application. The application was, therefore, dismissed.

3/87-696 - A 20-year-old, single, unemployed female was assaulted and received a fractured left zygoma. Her assailant was charged and convicted under Section 245.1(1)(b) of the Criminal Code and was sentenced to three months' imprisonment. The Board dismissed the application on the grounds that the claimant had failed to return the application to the Board within one year from the date of the occurrence even though she was in possession of the application for some three months prior to the expiration of the time limit.

3/87-697 - A 42-year-old, married, service station

supervisor was assaulted and received head and facial injuries. His assailants were not identified. There was a claim for lost wages. After two notices in which the applicant failed to appear at the hearing, the Board dismissed the application.

5/87-711 - A 19-year-old, unemployed student was assaulted and received cuts and bruises to the hand and head and a broken arm. His assailant was charged under Section 245.1(1)(a) of the Criminal Code and was acquitted whereas the applicant himself was charged and convicted under Section 245 of the Criminal Code. On application by the applicant's counsel, the application was dismissed.

5/87-721 - A 25-year-old, single, male bartender was injured at work in an altercation with a customer and received severe lacerations to his hand. The assailant was not identified. The Board found that there was insufficient evidence presented to show that the applicant was the victim of the commission of a crime.

10/87-772 - A 16-year-old, male, high school student was assaulted and received facial injuries. Even though the applicant and his parents knew of the existence of the Board well within the one-year time limit for filing, neither took steps to make inquiries nor to file an application until almost 18 months had expired from the date of the assault. The Board did not grant an extension of the time for filing and disallowed the application.